Violation of party whip

3280. SHRI CHIMANBHAI MEHTA:

SHRI SOM PAL:

SHRIMATI MIRA DAS:

SHRI SARADA MOHANTY:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Supreme Court has made any clarificatory observation with regard to Anti-defection law, if so, what are the details thereof;

(b) what constitute the violation of the whip in the light of latest Supreme Court observation;

(c) what is the authority that issues whip and what is the procedure to issue the same; and

(d) what is the proof that the whip has been delivered to the concerned members?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): (a) Yes. Sir. The Suppreme Court of India delivered a judement on 12th November, 1991 in Transfer Petition (Civil) No. 40 of 1991. Shri Kihota Hollohon vs. Mr. Zachilhu and others, in which it has upheld the constitutional validity of the Tenth Schedule to the Constitution except Para 7 thereof. The detailed reasons for its conclusion were given by the Supreme Court in its judgement dated 18th February, 1992 which has been reported in Supreme Court Almanac (No. 1992(1). SCALE-338).

(b) The views of the Supreme Court in this regard are contained in para 49 of the detailed majority judgement of 18th February, 1992.

(c) and (d) The question regarding the authority competent to issue a whip and the procedure to be followed in this regard relates to the functioning of political parties in Parliament and State Legislatures and is to be decided by the political parties themselves.

3281. [*Transferred to the 31st March, 1992*].

Vacant posts of Judges in Supreme Court and High Courts

3282. SHRI PRAMOD MAHAJAN:

SHRI SHANKAR DAYAL SINGH:

SHRI RAGHAVJI:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) what are the details of vacancies of Judges in Supreme Court and various High Courts as on date; and

(b) what steps Government have are taking to fill them up?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARMANGALAM): (a) The requisite information is given in the enclosed statement. (*See* below).

(b) For filling up the vacancies of Judges in High Courts and the Supreme Court the process of consultation among the Constitutional authorities concerned has been expedited.

Statement

As on 1-3-1992

S. No.	High Court	Sanctioned strength (Permanent/ Additional	Judges in position (Permanent/ Additional)	Vacancies
1.	Allahabad	70	68	2
2.	Andhra Pradesh	25	24	2
3.	Bombay	54	47	7
4.	Calcutta	46	46	10
5.	Delhi	30	26	4
6.	Gauhati	19	13	3
7.	Gujarat	30	28	2
8.	Himachal Pradesh	8	7	1
9.	Jammu & Kashmir	10	10	..
10.	Karnataka	50	24	6
11.	Kerala	24	20	4
12.	Madhya Pradesh	30	22	8
13.	Madras	28	24	4
14.	Orissa	14	13	1
15.	Patna	35	32	3
16.	Punjab and Haryana;	32	29	3
17.	Rajasthan	25	24	1
11.	Sikkim	3	2	1
		511	449	62
	Supreme Court	26	24	2

Stipulated period for deciding cases

3203. SHRI SANTOSH BAGRODIA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether there is any proposal under Government's consideration to draft law to make one year as the maximum period for deciding a case; and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARMANGALAM): (a) No, Sir.

(b) Does not arise.